

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
Esther B. Clarke, Complainant) Report of Hearing Officer
against) Docket #FIC 76-40
Town of East Hartford and Mayor of) April 9, 1976
the Town of East Hartford,
Respondents)

The above captioned matter was heard as a contested case on March 30, 1976, at which time the complainant and the respondents appeared, stipulated certain facts, and presented evidence and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. By memorandum dated March 1, 1976 the complainant, who is also a councilwoman of the respondent town, requested of the respondent mayor copies of "budget request worksheets" with all supporting documents submitted to the respondent mayor by town department heads for fiscal year 1976-1977, as prescribed by town charter sec. 6.2.
2. The respondents having failed to comply with this request, the present complaint was brought by letter dated March 8, 1976.
3. The parties agree and it is found that the budget request worksheets are public records.
4. The respondents contend, however, that the budget request worksheets are preliminary drafts or notes that are exempt from disclosure at this time pursuant to sec. 2(b)(1) of P.A. 75-342. The respondents propose to disclose these documents simultaneously with publication of the respondent mayor's budget pursuant to sec. 6.3 of the town charter.
5. It is found that the budget request worksheets exist and are in the custody of the respondent mayor.
6. It is found that the requested public records are not preliminary drafts or notes. Although the budget request worksheets may be used in the preparation of the budget to be submitted by the respondent mayor, it is found that the budget request worksheets are, in fact, complete and finished budget requests, and that they stand independently of any public instrument in the budget-making process of the respondent town. It is concluded that there is no dispute before this Commission as to whether or not these public records should be disclosed. The only point of contention centers on the time when the disclosure must be made.

7. In order that the complainant and others in the public may participate intelligently in the budget-making process, access to the budget request worksheets is required at once and not at some later date.

The following order by the Commission is hereby recommended on the basis of the record and findings concerning the above captioned complaint:

1. The respondent mayor shall forthwith provide the complainant with a copy of each of the requested "Budget request worksheets," including all supporting documents, submitted to him by town department heads for fiscal year 1976-1977.


2. Compliance with this Order may be made pursuant to sec. 5 of P.A. 75-342.



Commissioner Herbert Brucker

as Hearing Officer

Approved by order of the Freedom of Information Commission
on April 14, 1976.



Louis J. Tapogna
Clerk of the Commission